IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 172 OF 2006

SHRI RAJAN CHANDELIYA, ST.CRUZ, ILHAS GOA. ....Applicant

Versus

SHRI ANTHONY PEREIRA AND ANR., ...Respondents

Mr. Joseph Vaz, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 20th April, 2006

P.C.

Heard Shri Vaz, the learned Counsel on behalf of the applicant/accused.

2. The said accused is being prosecuted by the respondent no.1/Complainant for bouncing of two cheques in the total sum of Rs.1,57,000/-. When the matter came up for the evidence of the Complainant on 16.12.2004, the affidavit in evidence of the Complainant was filed and the cross examination of the Complainant took place on 01.09.2005. On 16.09.2005, the accused filed an application under Section 311 of Cr.P.C., for recalling the Complainant for further cross examination as the Complainant could not be effectively cross examined, as the Advocate of the Accused could not concentrate in the said cross examination as he had another matter in another Court. The said application came to be dismissed by the learned Trial Court and later a revision filed against the said Order came to be dismissed by the learned Additional Sessions Judge, by Order dated 22.03.2006.

3. This is a matter related to bouncing of a cheque. The accused is

always at liberty to step in the witness box and rebut the case of the Complainant. In case there was any professional difficulty in cross examining the Complainant, an adjournment ought to have been sought on behalf of the accused. In my view, this is not a fit case for exercising extraordinary jurisdiction. Application dismissed in limine.

N. A. BRITTO, J.

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